



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/550,545	04/14/2000	Shawn Scotzin	REALNET.055A	8286
20995	7590	09/21/2005	EXAMINER	
KNOBBE MARTENS OLSON & BEAR LLP 2040 MAIN STREET FOURTEENTH FLOOR IRVINE, CA 92614			GRAHAM, ANDREW R	
			ART UNIT	PAPER NUMBER
			2644	

DATE MAILED: 09/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/550,545

Applicant(s)

SCOTZIN ET AL.

Examiner

Andrew Graham

Art Unit

2644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 15-19, 25-27 and 29-52 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 15-19, 25-27 and 29-52 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Art Unit: 2644

DETAILED ACTION

1. Applicant's election without traverse of Group II, comprising pending Claims 15-19, 25-27, and 29-52 in the reply filed on 6/22/05 is acknowledged.

Response to Arguments

2. Applicant's arguments filed 12/13/2004 with regards to the pending claims have been fully considered but they are not persuasive.

On page 15, lines 2-7, the applicant has stated, "For example, amended Claim 15 includes 'a hierarchical graphical library tree that is displayed on the output device, the hierarchical graphical library tree graphically displaying the nodes, one or more of the nodes in the hierarchical graphical Library tree having a plurality of children nodes that relate to the node and/or one or more music tracks, each node in the plurality of nodes being represented by either a graphical image or text', which is not disclosed in Katz". The examiner respectfully disagrees. Regarding this limitation, Katz teaches:

a hierarchical graphical library tree that is displayed on the output device (as evidenced by GUI, Figure 4a, col. 6, lines 9-12),

the hierarchical graphical library tree graphically displaying the nodes (Figure 4a, at least discs are nodes)

one or more of the nodes ('sony CDJ' node) in the hierarchical graphical library tree having a plurality of children nodes (disc and 'absent disc' nodes) that relate to the node (discs may be inserted in device corresponding to 'sony CDJ' node) and/or one or more music

Art Unit: 2644

tracks (tracks for discs shown in 460) (col. 6, lines 47-59; col.7, lines 41-50),

each node in the plurality of nodes being represented by either a graphical image or text (text and image, Figure 4a);

On the remaining pages of response submitted 12/13/04, no further arguments are presented regarding pending claims. In view of the above response, the rejections of the amended claims of 12/13/04 have been reviewed and have been respectively maintained herein.

Information Disclosure Statement

3. A copy of the IDS received 2/4/02 that includes the examiner's initials, verifying that the individual references listed therein have been considered, is included with this office action.

Claim Rejections - 35 USC § 102

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 15-19, 26-27, 29-33, 35-43, and 45-52 are rejected under 35 U.S.C. 102(e) as being anticipated by Katz et al (USPN 6356971), hereafter "Katz".

Katz discloses a system for managing multimedia discs, tracks, and files on a computer.

Specifically regarding Claim 15, Katz teaches:

An electronic device (computer system, abstract) comprising:

Art Unit: 2644

a plurality of nodes indicating music item classifications (for example, disc nodes shown in pane 420, which at least indicate audio CDs of tracks, identifying the format of audio stored thereon, and also may also be filtered to show up only according to Artist, col. 6, lines 23-26; also, 'sony cdj' node and cd nodes underneath indicate audio CDS loaded in changer 120, col. 6, lines 27-31; also, 'absent folders' node indicates offline music items, col. 6, lines 56-59 and col. 8, lines 53-57);

an output device (display of computer 11, col. 4, lines 8-30; Figure 1); and

a hierarchical graphical library tree that is displayed on the output device (as evidenced by GUI, Figure 4a, col. 6, lines 9-12),

the hierarchical graphical library tree graphically displaying the nodes (Figure 4a, at least discs are nodes)

one or more of the nodes ('sony CDJ' node) in the hierarchical graphical library tree having a plurality of children nodes (disc and 'absent disc' nodes) that relate to the node (discs may be inserted in device corresponding to 'sony CDJ' node) and/or one or more music tracks (tracks for discs shown in 460) (col. 6, lines 47-59; col. 7, lines 41-50),

each node in the plurality of nodes being represented by either a graphical image or text (text and image, Figure 4a);

the graphical display on the output device (computer monitor) of (a) a child node of the plurality of children nodes in the hierarchical graphical library tree (such as 'Gloria!' disc and icon),

Art Unit: 2644

and/or (b) the music track information related to the child node being movable or copyable from a first location (under 'sony CDJ' node) where the child node and/or music track information indicates an association with one of the plurality of nodes in the hierarchical graphical library tree (location of discs, such as Gloria!, under 'sony CDJ' indicates that disc is in slot of changer 120, which corresponds to 'sony CDJ' node; discs may be removed, col. 6, lines 36-59)

to a second location (under 'absent discs' node) where the child node and/or music track information indicates an association with another of the plurality of nodes ('absent discs' node) in the hierarchical graphical library tree (Figure 4A, col. 6, lines 56-59).

Regarding **Claim 16**, Katz discloses:

wherein the hierarchical graphical library tree (in pane 420) comprises at least a playlist node ('sony cdj' node, as interpreted herein) having one or more children nodes (such as 'Gloria!' node) that each are respectively associated with playlists of music items (audio CDs have tracks that may be put on playlists as evidenced by Figure 4C, col. 7, lines 46-67; thus, CD node may be associated with playlists)

Regarding **Claim 17**, Katz discloses:

wherein the hierarchical graphical library tree (in pane 420) comprises at least an artist node ('sony cdj' node, as interpreted herein) having one or more children nodes (such as 'Gloria!' node) that are each respectively associated with a selected author (CD nodes

Art Unit: 2644

are associated with albums, such as Gloria!, which are in turn related to authors, such as Gloria Estefan, as evidenced by Figure 4a, col. 7, lines 28-33; also, shown discs, such as those under 'sony cdj' node, may be filtered by artist, col. 4, lines 32-35)

Regarding **Claim 18**, Katz discloses:

wherein the hierarchical graphical library (in pane 420) the comprises at least a genre node ('sony cdj' node, as interpreted herein) having one or more children nodes that are each respectively associated with a selected genre (CD nodes are associated with albums, such as Gloria!, which are in turn related to a category, such as rock, as evidenced by Figure 4a, col. 7, lines 28-33; also, shown discs, such as those under 'sony cdj' node, may be filtered by category, col. 4, lines 32-35).

Regarding **Claim 19**, Katz discloses:

wherein the hierarchical graphical library tree (in pane 420) comprises at least an album node ('sony cdj' node, as interpreted herein) having one or more children nodes that are each respectively associated with a selected album (CD nodes are associated with albums, which have a title, such as Gloria!, which are in turn related to a title, such as 'Gloria!', as evidenced by Figure 4a, col. 7, lines 28-33; also, shown discs, such as those under 'sony cdj' node, may be filtered by title, col. 4, lines 32-35).

Regarding **Claim 26**, Katz discloses:

Art Unit: 2644

wherein the child node corresponds to a music track stored on a CD ('Audio CD' node corresponds to at least Track01, Figure 4C, tracks stored on CD, col. 7, lines 41-44).

Regarding **Claim 27**, Katz discloses:

wherein the music track information corresponds to a music track stored in a system memory in a compressed data format (tracks or files may be copied to hard disk of computer 110, col. 9, lines 44-48 and 61-65; digital file content comprises digital audio files in au format, which is a compressed format, col. 7, lines 57-61).

Regarding **Claim 29**, please refer to the function and properties of the elements cited above in regards to the similar limitations of Claim 15.

Regarding **Claims 30-33**, please refer to the rejection and grounds of rejection cited above in regards to the similar limitations of Claims 16-19, respectively.

Regarding **Claim 35-36**, please refer above to the rejection of the similar limitations of Claims 26-27, respectively.

Regarding **Claim 37**, please refer to the elements cited above in regards to the similar limitations of Claim 15, noting that Katz teaches a program and computer readable storage medium, and notes that the system may be implemented in hardware and software arrangements (col. 11, lines 58-67; col. 15, lines 16-33). It is further noted that the CD nodes of Katz include audio CD icons and album titles, such as 'gloria!' and 'Best of U2', which indicate at least a track,

Art Unit: 2644

such as the first track on each respective disc, as being available for playback on the computer.

Regarding **Claims 38-41**, please refer to the rejection and grounds of rejection cited above in regards to the similar limitations of Claims 16-19, respectively.

Regarding **Claims 42**, please refer above to the rejection of the similar limitations of Claim 26.

Regarding **Claim 43**, Katz teaches:

using said client electronic device to retrieve an input signal to indicate a change in the association of one of the plurality of children nodes (response signal or indication provided by inventory, col. 5, lines 20-32),

and wherein the computer readable program code causes said client electronic device (110) to move or copy the display in response thereto (discs no longer in changer 120 can be examined for information, col. 8, lines 53-65; pane 420 enables absent discs to be viewed and 'absent discs' node shown, col. 6, lines 47-59).

Regarding **Claim 45**, please refer to the elements cited above in regards to the similar limitations of Claim 15, noting that Katz teaches a program and computer readable storage medium, and notes that the system may be implemented in hardware and software arrangements (col. 11, lines 58-67; col. 15, lines 16-33). It is further noted that selection of a CD node enables tracks stored thereon to be seen (Figure 4C, col. 7, lines 45-50), which reads on 'receive a signal indicating selection of a first child node' and 'display ... one or more

Art Unit: 2644

music tracks associated with the first child node'. Katz also teaches that all slots in a changer can be inventoried (col. 6, lines 36-39). Figure 4A illustrates that child nodes under "Sony CDJ" nodes corresponds to slots "[number]". As discs can be moved to different slots (col. 8, lines 53-56), a change in tree display that would be caused by changing, for example, the disc gloria! from slot 01 to slot 14. The inventorying of the slots after such a slot change reads on "code for causing the said client electronic device to change the association of at least one of the plurality of music tracks from a first child node of the plurality of children nodes to a second child node of the plurality of child nodes". The selection of this child node (Figure 4C, col. 7, lines 45-50) reads on "receive a signal indicating selection of the second child node" and "display upon said client electronic device, upon selection of the second child node of the plurality of children nodes, the at least one of the plurality of music tracks".

Regarding **Claims 46-49**, please refer to the rejection and grounds of rejection cited above in regards to the similar limitations of Claims 16-19, respectively.

Regarding **Claim 50**, Katz teaches:

wherein the plurality of child nodes correspond to music tracks stored on a CD (each 'Audio CD' node corresponds to at least a track, such as Track01, Figure 4C, tracks stored CDs, such as "gloria!" and "Best of U2: 1980-1990", col. 7, lines 41-44).

Regarding **Claim 51**, Katz teaches:

Art Unit: 2644

comprising computer readable program code (code behind GUI 220) for causing said client electronic device to receive an input signal to indicate a change in the association of one of the music tracks (through GUI, audio file from track file list 460 can be associated with collection 495, col. 8, lines 6-14), and

wherein the computer readable program code causes said client electronic device to move or copy the display of one of the music tracks in response thereto (audio file icon represents audio files in collection, col. 8, lines 11-13; in further view icon and trackname under 'name' column of 460, Figure 4C and 'name' column in collection list 495, Figure 4D).

Regarding **Claim 52**, Katz discloses:

wherein the input signal corresponds to a user having selected and dragged one of the music tracks (col. 8, lines 20-22).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Art Unit: 2644

5. **Claims 25, 34, and 44** are rejected under 35 U.S.C. 103(a) as being unpatentable over Katz as applied above and in further view of Johnston et al (USPN 5831613).

As detailed above, Katz discloses a system for managing files on fixed and removable media.

Regarding **Claim 25**, Katz teaches the concept of dragging and dropping icons(col. 7, lines 66-67). Katz also discloses that pane 420, in which the hierarchical tree is located, may be used to mount a CD or eject a CD(col. 6, lines 47-59).

However, regarding the CD nodes shown for example in Figure 4A, Katz does not clearly specify:

- wherein the child node is movable by selecting and dragging the child node

However, the dragging and dropping of such icons, which correspond to nodes in the tree, was a known in the art at the time of invention, as is evidenced by Johnston.

Johnston discloses a system for controlling access to removable storage media in a computer system.

Specifically regarding **Claim 25**, Katz teaches:

wherein the child node (CD-ROM icon in view of CD icons in pane 420 of Katz) is movable by selecting and dragging the child node (col. 4, lines 43-62).

To one of ordinary skill in the art at the time the invention was made, it would have been obvious to incorporate the software based method and functionality of graphically dragging and dropping CD

Art Unit: 2644

icons, as is taught by Johnston, as part of the operations possible for the icons or nodes in the pane (420) of Katz. The motivation behind such a modification would have been that such a software based unmounting and ejection would have enabled a CD to yet be removed from a system, while preventing the disk from being inadvertently removed during improper times, such as when the disc is being accessed.

Regarding **Claims 34 and 44**, please refer above to the rejection and grounds of rejection cited in regards to the similar limitations of Claim 25.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Hempleman et al (USPN 6243725 B1) discloses a system for building trees or lists from inventories of media items.

Lipscomb et al (US 2002/0055934 A1) discloses a system for inventorying media assets by keylists and nested keylists.

Dwek (USPN 6248946 B1) discloses a multimedia content delivery system that utilizes various trees of music information organized by categories such as artist, genre, and playlist.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Art Unit: 2644

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Graham whose telephone number is 571-272-7517. The examiner can normally be reached on Monday-Friday, 8:30 AM to 5:00 PM (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on 571-272-7848. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2644

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ag
September 19, 2005


VIVIAN CHIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600